

UNITED STATES OF AMERICA )  
 )  
v. ) Case No: 3:17-cr-00044  
 ) Chief Judge Crenshaw  
ANDREW RYAN LESLIE )

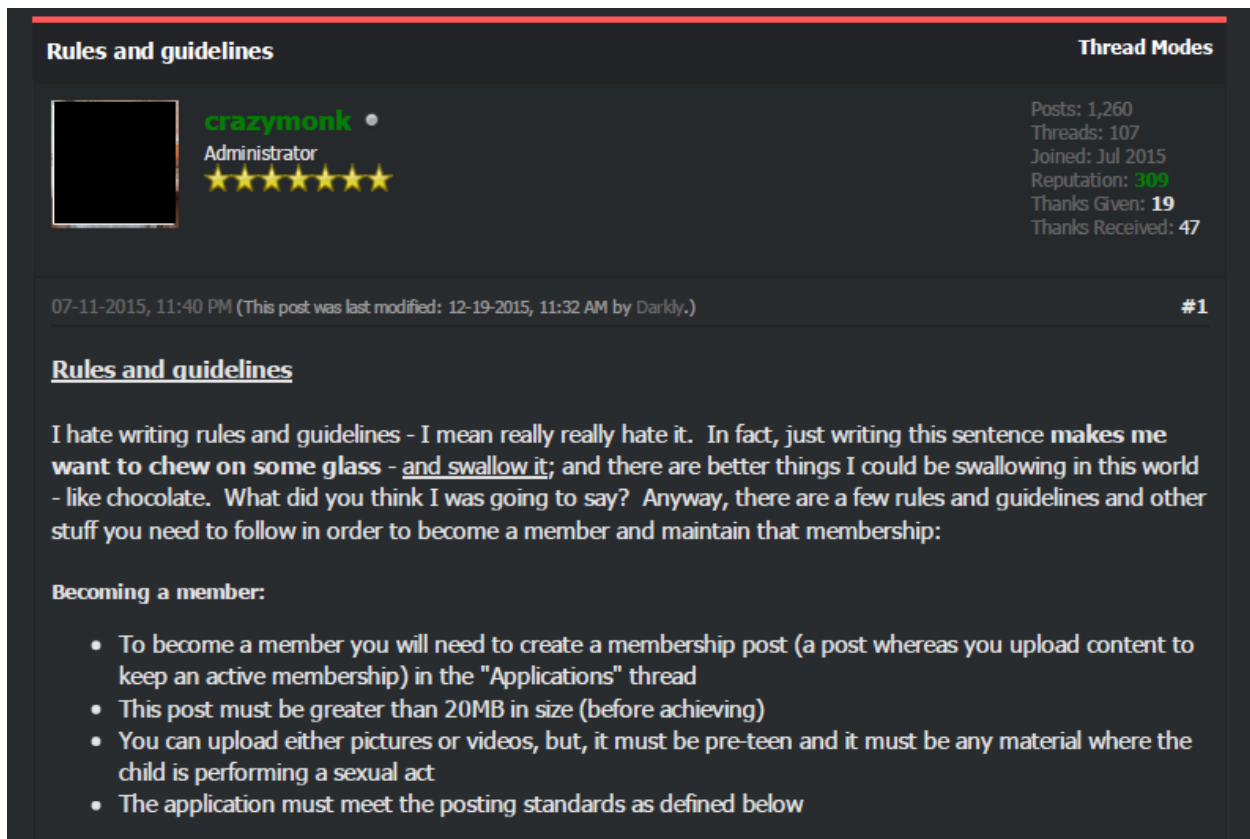
*It must be pre-teen and it must be any material where the child is performing a sexual act. –Crazymonk*

## I. The Enterprise



The Giftbox Exchange (Website A) was a website that operated on the Tor anonymity network from July 2015 until it was shut down by law enforcement in November 2016. Because Giftbox was hosted on Tor, the Internet Protocol (IP) address of the website itself—as well as the IP addresses of its members—was masked, such that law enforcement could not use that information to identify the server hosting the website.

Giftbox was dedicated to the sexual exploitation of children. To become a member, a user had to make an application post depicting the sexual abuse of a pre-teen child:



The screenshot shows a forum interface with a dark background. At the top, there are two tabs: 'Rules and guidelines' (selected) and 'Thread Modes'. Below the tabs, on the left, is a user profile for 'crazymonk', an Administrator with a green dot and five yellow stars. On the right, statistics are listed: Posts: 1,260, Threads: 107, Joined: Jul 2015, Reputation: 309, Thanks Given: 19, and Thanks Received: 47. The main content area shows a post from 07-11-2015, 11:40 PM, which was last modified on 12-19-2015, 11:32 AM by 'Darkly.'. The post is titled 'Rules and guidelines' and is marked as '#1'. The text of the post reads: 'I hate writing rules and guidelines - I mean really really hate it. In fact, just writing this sentence makes me want to chew on some glass - and swallow it; and there are better things I could be swallowing in this world - like chocolate. What did you think I was going to say? Anyway, there are a few rules and guidelines and other stuff you need to follow in order to become a member and maintain that membership:'. Below this, under the heading 'Becoming a member:', there is a bulleted list of requirements.

**Rules and guidelines**

07-11-2015, 11:40 PM (This post was last modified: 12-19-2015, 11:32 AM by Darkly.) #1

**Rules and guidelines**

I hate writing rules and guidelines - I mean really really hate it. In fact, just writing this sentence makes me want to chew on some glass - and swallow it; and there are better things I could be swallowing in this world - like chocolate. What did you think I was going to say? Anyway, there are a few rules and guidelines and other stuff you need to follow in order to become a member and maintain that membership:

**Becoming a member:**

- To become a member you will need to create a membership post (a post whereas you upload content to keep an active membership) in the "Applications" thread
- This post must be greater than 20MB in size (before achieving)
- You can upload either pictures or videos, but, it must be pre-teen and it must be any material where the child is performing a sexual act
- The application must meet the posting standards as defined below

The application post had to be posted in the “Applications” thread. The posting standards were specific and required users to include a preview image in their post, to use approved image uploaders to host the files, and to encrypt the images or videos with a password. Giftbox had several other threads that organized the content on the website:

General			 
<b>Site Information</b>	81	"Recalling" unread PM's	
Information specific to the site		2 hours ago	
Sub Forums:    Links,    File Hosts	531	by crazymonk	
<b>Technology &amp; Security</b>	118	combining multiple file p...	
Technology Security, tricks, and how-tos		7 hours ago	
Sub Forums:    How-to	578	by Liza	
<b>Feedback</b>	20	Sinbox Plugin?	
Anything you want us to know		9 hours ago	
Sub Forums:    Ask Us Anything - Confidential	77	by targaryen	
<b>Pedo Chat</b>	229	Toy Box	
Whatever you want to talk about		3 hours ago	
Sub Forums:    English,    Deutsch,    Español, and 3 more.	1,767	by Quickdraw	
<b>Fun Stuff</b>	65	Jazzy's Guides	
Jokes, Stories, Funny pictures, and Art		3 hours ago	
Sub Forums:    Art / Hentai	338	by HornyPedo4Ass	
VIP			 
<b>Private zone Applications</b>	-	Never	
Private zone	-		
<b>VIP Applications</b>	-	VIP Wish List	
Fast track applications		Yesterday, 05:05 AM	
Sub Forums:    VIP Application Information	-	by Darkdy	

There were also specific forums and sub-forums for the different types of child pornography to be posted, including sections for pre-teen hardcore and babies and toddlers:

Girls

<b>Model/Producer section</b>	113	<b>AMS Cherish Sets 221, 227...</b>
Section dedicated to running threads for specific models and producers	1,425	1 hour ago by Play
<b>Pre-teen Hardcore</b>	2,181	<b>Gabi (9yo) sucks dad on w...</b>
Ages 5 to 12	8,313	58 minutes ago by Girlfriender
Sub Forums: Videos, Golden Oldies, Pictures		
<b>Pre-teen Softcore</b>	914	<b>welcome in joy's only gir...</b>
Ages 5 to 12	2,468	3 hours ago by TheUndead2
Sub Forums: Non Nude, Videos, Pictures		
<b>Teenagers</b>	467	<b>Alice &amp; Silvia – 2 JB Gir...</b>
Budding breasts	1,695	9 hours ago by lolzed
Sub Forums: Photos, Videos		
<b>Cam</b>	1,035	<b>youtube webcam</b>
For webcams, Spycams & Selfshot videos	3,110	2 hours ago by jakers
Sub Forums: Teenage Cams		
<b>Fetishes</b>	146	<b>panty poop, scat, diaper ...</b>
Little girls and fetishes	477	17 minutes ago by whiteywood
<b>Babies &amp; Toddlers</b>	304	<b>MCCL-toddler HD [sc] [n]</b>
Ages 0 to 4	1,339	32 minutes ago by Wallypop
<b>Requests</b>	396	<b>Request for video named " ...</b>
Come here to request girl material	1,259	4 hours ago by bdwpbdwpbdwp
Sub Forums: Subtitle Requests		

Giftbox also had VIP and “producer only” zones that were accessible only to a select group of members—generally those who produced original child pornography content to be shared on Giftbox. The child pornography posted on Giftbox within these subforums included videos of babies and toddlers being tied up and sexually abused by adult men.

Giftbox was not just a place for people to trade child pornography. It was a place for people who wanted to sexually abuse children to network. For example, Falte met the father of the 4-year old girl he traveled to Virginia to sexually abuse on Giftbox and then also introduced Faulkner to that individual so he too could sexually abuse the child.

Giftbox had a technologically sophisticated security system to verify the identity of different members, called public key cryptography. The cryptographic system uses pairs of keys

(PGP keys)—one public and one private—to exchange information. The public key is distributed to others, while the private key is securely stored and known only to the account holder. This pair of keys accomplishes two functions: authentication, whereby the public key is used to verify that a holder of the paired private key sent the message; and encryption, whereby only the holder of the paired private key can decrypt the message encrypted with the public key.

Defendant Patrick Falte created Giftbox and went by the username “CrazyMonk” on the site. Falte was also an administrator of the site—he established and disseminated rules for membership. And Falte paid for the server hosting Giftbox using Bitcoin—an encrypted digital currency. Benjamin Faulkner joined Giftbox in September 2015 as “curiousvendetta” and also became an administrator of the site.

Giftbox grew over time into a vast, global criminal enterprise. In a post dated October 8, 2015, Falte discussed the site’s statistics as compared to another child pornography website called Magic Kingdom. He stated that Giftbox had 55,151 members with 1,536 of those being approved. He also noted that he had removed over 75,000 members that had registered in the past. He also bragged that Giftbox “clearly ha[d] more content” than the competitor board, and noted the thousands of threads posted on Giftbox. At the time Giftbox was shut down by law enforcement in November 2016, it had over 72,000 registered users and 56,000 posts.

While the Giftbox Exchange was the central focus of law enforcement’s investigation into the criminal enterprise, it was also part of a landscape of other Tor child pornography sites, many of which had overlapping membership. As noted by Falte in the same post on Giftbox discussing statistics, “after the downfall of . . . the other sites that have been seized or shutdown, . . . [w]e are separate sites, but we are still *a single community serving a common goal.*” (emphasis added). In April 2016, Faulkner—using the name “Warhead” started another website

called “Child’s Play,” also dedicated to the sexual exploitation of children. Members of these sites—including the defendants here—also used an encrypted chat messaging program to talk to each other about Giftbox and Child’s Play and the sexual abuse of children. Together, Falte and Faulkner oversaw the largest network of child exploitation websites on Tor.

Law enforcement has arrested at least 43 members of the Giftbox Exchange, in addition to the defendants charged here. This is only a small fraction of its vast membership—identifying members of the site is hugely challenging because they used the Tor network to mask their IP addresses. Even just within those 43 identified, there were at least ten registered sex offenders or individuals with a prior sex offense, and at least five whose jobs involved working with children. Many of the Giftbox members—at least 9 identified so far—had engaged in the hands-on sexual abuse of children.

## **II. The Factors to be Considered in Imposing a Sentence Under 18 U.S.C. § 3553(a)**

### **A. The Nature of the Offense, § 3553(a)(1), The Seriousness of the Offense, Promoting Respect for the Law, and Providing Just Punishment, § 3553(a)(2)(A)**

The defendant was a member of Giftbox for over a year and made dozens of posts to the site. This included posts of an infant who is bound and being sexually abused by an adult male. The infant appears to be crying. He also posted on Giftbox inquiring about how he should tie up “a little one:”



**TheAwesomeOne** ●

Junior Member



Posts: 44  
Threads: 12  
Joined: Aug 2015  
Reputation: **20**  
Thanks Given: 0  
Thanks Received: 1

? 08-09-2015, 08:53 PM

#1

I need some advice on what I can tie girls with that won't be rough on their skin or leave marks.

I've never done bondage with a little one before but want to.

**Code:**

Password: \$#@!!It'sTheAwesomeOne@TPGB!!@#  
DL Key: tpgb

Favorite Ages: 0-3

The defendant also created a related website called Cache of Cheese Pizza (CCP).<sup>1</sup> As noted in the presentence report, CCP explicitly allowed “hurtcore”—images and videos depicting graphic sexual violence of children. When CCP went offline, Leslie informed the community via a post on Giftbox:

<sup>1</sup> In this community, “cheese pizza” is code for child pornography.

```
-----BEGIN PGP SIGNED MESSAGE-----  
Hash: SHA256  
  
Hello everyone,  
  
Some very unforeseen events have taken place.  
I am having to shutdown CCP until these events have been handled.  
The security alert that has been on-going was believed not to have been an issue.  
However the one behind the reason of the security alert is now the cause of this.  
  
For this I am having to go underground temporarily.  
CCP will return but it'll be at least a month before it'll come back online.  
  
Once everything gets handled I will return to the community but will keep CCP off until it can be assured the  
problem is resolved.  
  
The site will go down within the next 24 hours.  
  
Thanks,  
TheAwesomeOne  
2016-04-26
```

Giftbox and Cache of Cheese Pizza catered to the worst child exploitation offenders, including those—like defendant Leslie—who enjoy the sexual exploitation of infants and toddlers and “producers” who actively sexually abuse kids. The disturbing nature of the content hosted on these sites cannot be overstated. This community perpetuated the sexual abuse of thousands of children, whose images and videos were traded on Giftbox and related sites. A just sentence must reflect the vastness of that harm.

**B. The Defendant’s History and Characteristics, § 3553(a)(1)**

The defendant is young, only 24 years old. He reports having a home life free of abuse and where his basic needs were met. He also holds several certifications related to computers and previously worked as a software engineer.

Most disturbing is defendant’s history of sexually abusing very young children, including at least 5 children between one-month and two years old. The defendant had disturbingly candid communications with co-defendants, reflecting an extreme prurient interest in children, especially babies and toddlers:



*July 11, 2016*

Faulkner: Could be. One set of parents that caught me [abusing a child/children] did the same  
they spoke to me, spoke to the kids. Nothing came of it though.. They said cops next time if they catch me  
So I no longer live there anymore lol  
Leslie: at least they were nice about it  
Faulkner: lol were they?  
Leslie: they didn't bring the cops lol  
I'd say so  
They didn't brand you for life  
Faulkner: I talked them down a lot though. I worked my magic  
Plus they didnt have any evidence, it was all heresay  
The girls loved me, apparently faught for them not to talk to me.so they were rock solid.  
no evidence otherwise, so I think I would have been fine..but still terrifying for a couple months

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Faulkner: And yeah, thats the problem with this one too..she used to ramble, now she is able to make coherant sentances and its kinda scary  
Leslie: I grabbed her ass and she told me not to touch her butt  
Faulkner: eesh  
this one gives me kisses when I ask lol  
I dont even have to ask, she goes for them usually  
and it melts my heart <3  
Leslie: Awwwww  
I hope this baby will be like that  
Faulkner: just groom her lol  
Ive never came on a baby before, but my god it sounds pretty great

*May 8, 2016*

Leslie: So I might have a baby I can play with  
Falte: Looks fun though :P  
want to play with one and cum on one so badly  
Leslie: haha  
Falte: Nice! Lucky :P  
Leslie: she's less than a week old and her mom told me I can some [sic]  
steal her whenever I want  
Falte: haha, awesome  
sounds like fun

The defendant not only abused children, but he created another part of the community—Cache of Cheese Pizza—dedicated to exchanging child abuse material.

**C. Deterrence, § 3553(a)(2)(B), and Protecting the Public, § 3553(a)(2)(C)**

Both specific and general deterrence call for significant sentences above the mandatory minimum to send a message that engaging in a criminal enterprise that targets children and causes extensive harm—beyond what an individual could accomplish—will result in a federal prison term that takes one far into old age, if not an effective life sentence.

Specific deterrence is particularly important for this defendant. There is no doubt that he presents a significant risk to children. He is a pedophile who is sexually attracted to infants and toddlers and who has acted on those attractions several times before. He was also active in the Tor child-pornography community. He has committed multiple child-pornography and hands-on offenses, making him more likely to recidivate.<sup>2</sup>

Leslie is serving a significant sentence of 60 years based on his conviction for producing child pornography in the Middle District of Florida. However, he is young and healthy, and likely to be released from that sentence at some point. The United States anticipates that the defendant will argue that the sixty years he already received are “sufficient, but not greater than necessary” because the sentence would take him into “old age.” But the reality is that even if each defendant were imprisoned long enough that he would be *less likely* to commit sexual assaults on children, scholarly research in this area demonstrates that sexual predators like these defendants will simply change their *modus operandus*:

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<sup>2</sup> United States Sentencing Commission, Report to Congress: Federal Child Pornography Offenses (Dec. 2012), at 170 (“A pedophilic sex offender who has committed both a child –pornography offense and a hands-on sex crime is more likely to commit a future crime, including another hands-on offense, than a defendant who has committed only a child-pornography offense.” (citing *United States v. Garthus*, 652 F.3d 715, 720 (7th Cir. 2011) (Posner, J.))), available at <https://www.ussc.gov/research/congressional-reports/2012-report-congress-federal-child-pornography-offenses>.

Generally, older sex offenders engage in more passive sexual activity as compared to their younger counterparts. For example, fondling by elderly offenders is more prevalent than intercourse. Research has shown that elder offenders are more likely to commit ‘nonviolent’ sexual offenses such as pedophilia or exhibitionism as opposed to ‘violent’ offenses such as forcible rape. Specific examples of these ‘nonviolent’ offenses include improperly touching an acquaintance, statutory rape, exposing of the genitals (usually to a minor), and other acts of exhibitionism.<sup>3</sup>

Indeed, a simple Google search reveals numerous news reports of older individuals committing sex crimes against children. There are dozens of examples of defendants over the age of 60 who have been sentenced in federal court for the production of child pornography. Gordon Elton Hayes was 60 years old when he produced child pornography of three minor victims in Alabama. *United States v. Hayes*, 4:07-cr-62 (N.D. Al.). Benton Stong was 74 years old at the time he produced child pornography involving 10 to 12 year old victims in Iowa. *United States v. Stong*, 6:13-cr-214 (N.D. Ia.)

There are also plenty of examples of older defendants who re-offended even after serving prison sentences. Jerry Lee Hendricks was 66 years old when he was convicted of producing child pornography of one victim in Illinois after previously being convicted in South Carolina (Chesterfield County and Darlington County) of “Lewd acts on a child under 16” when he was 56 years old. Other examples abound. *See United States v. Hendricks*, 12-CR-20025 (C.D. Ill. June 26, 2014); *see also United States v. McGee*, 10-CR-162, Doc. No. 71 (S.D. Ala. Mar. 3, 2011) (62-year-old defendant sentenced to life for production of child pornography following prior sex conviction); *United States v. Pavulak*, 09-CR-43, Doc. Nos. 1, 120, 121 (D. Del. Oct. 14, 2011) (67-year-old defendant sentenced to life for production of child pornography following prior sex conviction).

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<sup>3</sup> Matt Hart, *The Geriatric Sex Offender: Senile or Pedophile?*, 32 Law & Psychol. Rev. 153 (2008).

The defendant is already a repeat offender and a diagnosed pedophile. Deterring him from abusing another child and thus protecting the public requires a sentence that effectively imprisons him for life.

The Court must also issue a sentence that will serve as a general deterrent to others involved in the sexual exploitation on the Dark Web. *See United States v. Bistline*, 665 F.3d 758, 767 (6th Cir. 2012) (“general deterrence is crucial in the child pornography context.” (citing *United States v. Camiscione*, 591 F.3d 823, 834 (6th Cir. 2010))). As is evident from the statistics on Giftbox alone, there are thousands of individuals engaging in this activity. Groups such as these are only becoming more common and the interest in egregious abuse of younger and younger children becoming more pronounced. Thus, the message must be sent loudly and clearly to deter others—you cannot escape punishment by hiding on the Dark Web.

**D. Sentencing Guidelines Range, § 3553(a)(4)**

The Presentence Report calculates the defendant’s Sentencing Guidelines range to be 262 to 327 months based on an offense level of 38 with a Criminal History Category II. The government agrees with the guidelines calculation, except for the one objection noted in the government’s position regarding presentence report. The government therefore believes the correct guidelines range should be 324 to 405 months based on an offense level of 41 with a Criminal History Category I. The Court must consider this guideline range in determining a sentence. 18 U.S.C. § 3553(a)(4); *United States v. Bistline*, 665 F.3d 758, 764 (6th Cir. 2012) (rejecting the district court’s conclusion that the § 2G2.2 was “seriously flawed” because Congress exercised, rather than delegated to the Sentencing Commission, its power to set policies, and finding instead that the guidelines range was the proper starting point for [defendant]’s sentence). The defendant’s offense is so far beyond the simple downloading of

child pornography that the concerns often raised about the child-pornography guidelines are not present here. By being an active member of Giftbox and creating Cache of Cheese Pizza, the defendant participated in an extensive network of both trading in child pornography and sexually abusing children, and the high guidelines range appropriately reflects that.

**E. Avoiding Unwarranted Sentencing Disparity, § 3553(a)(6)**

The defendant's offense does not fall within the heartland of standard child-pornography cases. Charges under the child-exploitation-enterprise statute are relatively rare, and the government is not aware of any such cases in the Middle District of Tennessee. However, administrators of Tor sites similar to the Giftbox Exchange and Cache of Cheese Pizza have been convicted and sentenced in other districts. This includes Jason Gmoser, who was sentenced in the Central District of Illinois to life in prison after being convicted of engaging in a child exploitation enterprise. *United States v. Jason T. Gmoser*, Crim. No. 14-cr-20048 (C.D. Ill. July 15, 2016). Gmoser's conduct was remarkably similar to Falte's—he operated a members-only Tor site dedicated to child pornography which had nearly 30,000 members. Brian Musomba Maweu and John Wyss, members of a similar child pornography website also received life sentences for engaging in a child exploitation enterprise. *United States v. Doe #1 et al*, Crim. No. 5:10-cr-319 (W.D. La 2010). Stephen Chase, who was the administrator of the Tor website Playpen, was sentenced to 30 years imprisonment after being convicted of engaging in a child exploitation enterprise. *United States v. Chase et al*, Crim No. 5:18-cr-15 (W.D.N.C. May 1, 2017). A sentence of 30 years for defendant Leslie is within this range and would not result in unwarranted sentencing disparities.

### **III. Government's Sentencing Recommendation**

The government recommend that the Court sentence the defendant to a within-guidelines sentence of a minimum of 30 years in prison to be served consecutively to the defendant's 60-year sentence out of the Middle District of Florida, and to be followed by a lifetime of supervised release. A consecutive sentence of at least 40 years is sufficient but not greater than necessary to comply with the goals enumerated in 18 U.S.C. §3553(a), particularly as regards deterring this particularly defendant and protecting the public.

Respectfully submitted,

DONALD Q. COCHRAN  
United States Attorney

s/ Lauren E. Britsch  
LAUREN E. BRITSCH  
Trial Attorney  
Child Exploitation & Obscenity Section  
Criminal Division, U.S. Dep't of Justice

S. Carran Daughtrey  
Assistant United States Attorney  
110 Ninth Avenue South, Suite A-961  
Nashville, Tennessee 37203-3870  
Telephone: (615) 736-5151

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the above styled pleading with the clerk of the court on July 26, 2019, by using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

s/ Lauren E. Britsch  
LAUREN E. BRITSCH